

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE

Michael J. Cole

v.

Civil No. 06-cv-234-SM

Coos County Department  
of Corrections, et al.

**O R D E R**

Pro se plaintiff Michael J. Cole has filed a complaint, pursuant to 42 U.S.C. § 1983, alleging various constitutional deprivations in violation of his rights under the Sixth and Fourteenth Amendments to the United States Constitution (document no. 1). Seeking declaratory, injunctive and monetary relief, he brings this action against the Coos County Department of Corrections ("CCDOC"), Suzanne Collins, Acting Superintendent of the CCDOC, and seven CCDOC corrections officers: Brunault; Gagnon; Blais; Dube; Jones; Lyons; and Preherno.

The complaint is before me for preliminary review to determine whether, among other things, it states a claim upon which relief may be granted. See 28 U.S.C. § 1915A; U.S. District Court for the District of New Hampshire Local Rule ("LR") 4.3(d)(2). For the reasons stated in the report and recommendation issued simultaneously herewith, I conclude that

Cole has stated cognizable Sixth and Fourteenth Amendment claims premised upon the denial of recreation, equal protection, meaningful access to the courts and the right to counsel against the CCDOC, Collins, Brunault, Gagnon, Blais, Dube, Jones, Lyons and Preherno. I recommend dismissal of all remaining claims. In addition, I have recommended that Cole's motion for appointment of counsel (document no. 3) be denied and that his motion to serve defendants by the United States Marshal (document no. 5) be granted.

As Cole has filed all the necessary summons forms, I order the complaint to be served on those defendants. The Clerk's office is directed to issue the necessary summons forms and forward to the United States Marshal for the District of New Hampshire (the "U.S. Marshal's office") the summonses and copies of the complaint, the report and recommendation issued simultaneously with this order, and this order. Upon receipt of the necessary documentation, the U.S. Marshal's office shall effect service upon defendants. See Fed. R. Civ. P. 4(c)(2).

Defendants are instructed to answer or otherwise plead within twenty days of service. See Fed. R. Civ. P. 12(a)(1)(A).

Cole is instructed that all future pleadings, written

motions, notices, or similar papers shall be served directly on the defendants by delivering or mailing the materials to them or their attorney(s), pursuant to Fed. R. Civ. P. 5(b).

**SO ORDERED.**

  
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James R. Muirhead  
United States Magistrate Judge

Date: October 30, 2006

cc: Michael J. Cole, pro se